

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

NORTH CAROLINA COASTAL )  
FISHERIES REFORM GROUP, JOSEPH )  
WILLIAM ALBEA, DAVID ANTHONY )  
SAMMONS, CAPTAIN SETH VERNON, )  
CAPTAIN RICHARD ANDREWS and )  
DWAYNE BEVELL, )  
Plaintiffs, )  
v. )  
CAPTAIN GASTON, LLC, ESTHER )  
JOY, INC, HOBO SEAFOOD, INC., )  
LADY SAMAIRA, INC., TRAWLER )  
CAPT., ALFRED, INC., TRAWLER )  
CHRISTINA ANN, INC., TRAWLERS )  
GARLAND AND JEFF, INC. and )  
NORTH CAROLINA DEPARTMENT )  
OF ENVIRONMENTAL QUALITY, )  
DIVISION OF MARINE FISHERIES )  
Defendants )

**JUDGMENT**

No. 4:20-CV-151-FL

## **Decision by Court.**

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of the defendants' motions to dismiss, defendants' motions to strike and plaintiffs motion to amend complaint.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court's order entered September 17, 2021, and for the reasons set forth more specifically therein, defendants' Motions to Dismiss for failure to state a claim are GRANTED. Defendants' motions to dismiss for lack of subject matter jurisdiction are DENIED. Plaintiffs' motion for leave to amend their complaint and defendants' motions to strike certain filings of plaintiffs are DENIED. With the claims against defendant North Carolina Department of Environmental Quality, Division of Marine Fisheries voluntarily dismissed earlier on November 6, 2020, this action is hereby DISMISSED.

**This Judgment Filed and Entered on September 17, 2021, and Copies To:**

Shannon Marie Arata / James L. Conner, II (via CM/ECF Notice of Electronic Filing)  
Charles D. Case / Henry L. Kitchen, Jr. / Michael F. Easley, Jr. / Stevenson L. Weeks /William  
Dixon Snukals (via CM/ECF Notice of Electronic Filing)  
David N. Ventker / Marissa M. Henderson (via CM/ECF Notice of Electronic Filing)  
Scott A. Conklin / Marc D. Bernstein (via CM/ECF Notice of Electronic Filing)

September 17, 2021

PETER A. MOORE, JR., CLERK

/s/ Sandra K. Collins  
(By) Sandra K. Collins, Deputy Clerk